

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #14	CCRB Case #: 201803420	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tue, 05/01/2018 10:40 AM	Location of Incident: [REDACTED]	Precinct: 09	18 Mo. SOL 11/01/2019	EO SOL 11/1/2019	
Date/Time CV Reported Wed, 05/02/2018 3:05 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/02/2018 3:05 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Jesse Williamson	7611	[REDACTED]	PSA 4
2. POM David Porras	08967	[REDACTED]	PSA 4
3. POM Matthew Ferguson	07017	[REDACTED]	PSA 4

Officer(s)	Allegation	Investigator Recommendation
A. POM Matthew Ferguson	Abuse of Authority: On Avenue D and East 12th Street in Manhattan, Police Officer Matthew Ferguson threatened to seize § 87(2)(b)'s property.	[REDACTED]
B. POM David Porras	Abuse of Authority: On Avenue C and East 13th Street in Manhattan, Police Officer David Porras stopped the vehicle in which § 87(2)(b) Unknown, and an individual were occupants.	[REDACTED]
C. POM Jesse Williamson	Abuse of Authority: On Avenue C and East 13th Street in Manhattan, Police Officer Jesse Williamson stopped the vehicle in which § 87(2)(b) Unknown, and an individual were occupants.	[REDACTED]
D. POM David Porras	Abuse of Authority: On Avenue C and East 13th Street in Manhattan, Police Officer David Porras frisked § 87(2)(b)	[REDACTED]
E. POM David Porras	Abuse of Authority: On Avenue C and East 13th Street in Manhattan, Police Officer David Porras searched § 87(2)(b)	[REDACTED]
F. POM David Porras	Abuse of Authority: On Avenue C and East 13th Street in Manhattan, Police Officer David Porras frisked § 87(2)(b) Unknown.	[REDACTED]
G. POM David Porras	Abuse of Authority: On Avenue C and East 13th Street in Manhattan, Police Officer David Porras frisked an individual.	[REDACTED]
H. POM David Porras	Abuse of Authority: On Avenue C and East 13th Street in Manhattan, Police Officer David Porras searched the vehicle in which § 87(2)(b) Unknown, and an individual were occupants.	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

### Case Summary

On May 2, 2018, § 87(2)(b) called the CCRB and filed this complaint on behalf of himself, his friend, only identified as § 87(2)(b) and an unidentified woman.

On May 1, 2018, at approximately 10:40 p.m., § 87(2)(b) parked his vehicle in front of a fire hydrant at the corner of Avenue D and East 12<sup>th</sup> Street in Manhattan. § 87(2)(b) exited his vehicle, remained by his driver's door, and waited for his friend § 87(2)(b) for approximately 20 minutes. PO Matthew Ferguson of PSA 4 approached § 87(2)(b) and said to him, "You know I could take your car because you are parked at a hydrant" (**Allegation A – Abuse of Authority: § 87(2)(g)**). PO Ferguson left.

Approximately five minutes later, while driving § 87(2)(b) and an unidentified woman, § 87(2)(b)'s vehicle was stopped by PO Jesse Williamson and PO David Porras of PSA 4 in the vicinity of Avenue C and East 13<sup>th</sup> Street (**Allegations B and C – Abuse of Authority: § 87(2)(g)**). PO Porras patted down and searched § 87(2)(b) (**Allegations D and E – Abuse of Authority: § 87(2)(g)**), patted down § 87(2)(b) and the unidentified woman (**Allegations F and G – Abuse of Authority: § 87(2)(g)**), and searched § 87(2)(b)'s vehicle (**§ 87(2)(b) – Abuse of Authority: § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

No summons or arrest resulted from these incidents.  
There is no video evidence in this case (Board Review 14).

### Findings and Recommendations

**Allegation A: Abuse of Authority: At Avenue D and East 12<sup>th</sup> Street in Manhattan, Police Officer Police Officer Matthew Ferguson threatened to seize § 87(2)(b)'s property.**

§ 87(2)(b) (Board Review 01) said that he was at the location to pick up his friend § 87(2)(b) and that he parked his vehicle next to a hydrant. § 87(2)(b) exited his vehicle, remained by his driver's door, and waited for § 87(2)(b). Approximately 20 minutes later, a black Chevy sedan passed by approximately three to four times. The fourth time, the vehicle pulled up next to § 87(2)(b)'s front passenger window was lowered and PO Matthew Ferguson of PSA 4, identified via investigation (Board Review 02), asked § 87(2)(b) if everything was alright. § 87(2)(b) said yes and asked PO Ferguson not to bother him. PO Ferguson replied, "You know I could take your car because you are parked at a hydrant, right?" and left.

PO Ferguson (Board Review 03) had no recollection of this incident, but denied that he would have made the alleged statement to § 87(2)(b).

No person shall stop, stand or park a vehicle within 15 feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of an emergency. NYS Vehicle and Traffic Law, Title 7 Article 32, § 1202-a (3b) (Board Review 04).

§ 87(2)(g)

**Allegation B: Abuse of Authority: At Avenue C and East 13<sup>th</sup> Street in Manhattan, Police Officer David Porras stopped the vehicle in which § 87(2)(b) Unknown, and § 87(2)(b) were occupants.**

**Allegation C: Abuse of Authority: At Avenue C and East 13<sup>th</sup> Street in Manhattan, Police Officer Jesse Williamson stopped the vehicle in which § 87(2)(b) Unknown, and § 87(2)(b) were occupants.**

§ 87(2)(b) said § 87(2)(b) and an unidentified woman arrived a few minutes later and they entered § 87(2)(b)'s vehicle. § 87(2)(b) drove approximately one block on Avenue D, made a right turn on East 13<sup>th</sup> Street and headed towards Avenue C. At the intersection of Avenue C and East 13<sup>th</sup> Street, § 87(2)(b) was pulled over, via sirens and turret lights, by PO David Porras and PO Jesse Williamson of PSA 4. § 87(2)(b) denied committing any traffic and vehicle infractions and said he did not know why he was stopped.

§ 87(2)(b) did not know the full names or contact information of the other victims and later said they did not wish to pursue this complaint (Board Review 05). Absent names or contact information, the investigation was unable to identify these individuals and obtain statements from them.

PO Porras (Board Review 06) and PO Williamson (Board Review 07) both said they stopped § 87(2)(b) and his vehicle's occupants because of a broken taillight. PO Porras and PO Williamson both said they informed § 87(2)(b) the reason for the vehicle stop and that they utilized their discretion not to arrest § 87(2)(b) or issue him a summons. § 87(2)(g)

§ 87(2)(g)

**Allegation D: Abuse of Authority: At Avenue C and East 13<sup>th</sup> Street in Manhattan, Police Officer David Porras frisked § 87(2)(b)**

**Allegation E: Abuse of Authority: At Avenue C and East 13<sup>th</sup> Street in Manhattan, Police Officer David Porras searched § 87(2)(b)**

§ 87(2)(b) said PO Porras approached his driver's side and ordered him to produce his driver's license, registration, insurance card, and to exit his vehicle. § 87(2)(b) complied. PO Porras moved his hands around § 87(2)(b)'s waist and the outer layer of his jeans and stuck his fingers inside § 87(2)(b)'s socks and shoes. PO Porras then escorted § 87(2)(b) to the rear of his vehicle, gave § 87(2)(b)'s license and vehicle documents to PO Williamson, and ordered § 87(2)(b) to remain at the rear of his vehicle with PO Williamson. § 87(2)(b) complied. § 87(2)(b) was subsequently informed by PO Porras and PO Williamson that he was patted down because he looked nervous and that his vehicle smelled of marijuana. § 87(2)(b) denied that his vehicle smelled of marijuana and said no marijuana or other contraband was recovered on him or his vehicle. § 87(2)(b) in his CCRB interview acknowledged that § 87(2)(b) often smokes marijuana and that it was possible he might have smoked that day, but § 87(2)(b) denied smelling the odor of marijuana on § 87(2)(b) or the unidentified woman).

As discussed earlier, the investigation was unable to identify § 87(2)(b) and the unidentified woman, thus no statements were obtained from them.

PO Williamson and PO Porras both said they approached § 87(2)(b)'s driver's and front passenger's sides, respectively, and that as they approached they saw § 87(2)(b) and § 87(2)(b) turning and moving their bodies from side to side. Upon approach, § 87(2)(b) appeared nervous and was shaking and sweating, even though it was cold outside, and the officers smelled a strong odor of burnt marijuana emanating from the vehicle. PO Porras moved to the driver's side and ordered § 87(2)(b) to exit his vehicle. § 87(2)(b) complied, but he was combative and irate, but PO Porras and PO Williamson did not recall what he said. PO Porras patted § 87(2)(b) down on his waist down to his legs, but he denied reaching inside § 87(2)(b)'s pocket or sticking his hands inside § 87(2)(b)'s socks and shoes. PO Porras patted § 87(2)(b) down because § 87(2)(b)'s nervousness coupled with the odor of marijuana in the vehicle made PO Porras fear for his and PO Williamson's safety. The pat down of § 87(2)(b) yielded negative results.

§ 87(2)(g)

**Allegation F: Abuse of Authority: At Avenue C and East 13<sup>th</sup> Street in Manhattan, Police Officer David Porras frisked § 87(2)(b). Unknown.**

**Allegation G: Abuse of Authority: At Avenue C and East 13<sup>th</sup> Street in Manhattan, Police Officer David Porras frisked § 87(2)(b).**

§ 87(2)(b) said PO Porras approached his front passenger's side and ordered § 87(2)(b) and the unidentified woman to exit the vehicle. They complied. § 87(2)(b) did not see what transpired between PO Porras and his vehicle's passengers, but was subsequently informed by both § 87(2)(b) and the unidentified woman that PO Porras patted them down).

As discussed earlier, the investigation was unable to identify § 87(2)(b) and the unidentified woman, thus no statements were obtained from them.

PO Porras said he approached § 87(2)(b)'s front passenger's side and ordered § 87(2)(b) and the unidentified woman to exit. They complied. PO Porras patted § 87(2)(b) down from his waist down to his legs, and ordered the unidentified woman to shake out her clothes because he did not want to physically pat her down. The unidentified woman complied. PO Porras patted down § 87(2)(b) and the unidentified woman because of the odor of marijuana in the vehicle and said he smelled marijuana on § 87(2)(b). The pat down of § 87(2)(b) and the unidentified woman yielded negative results.

PO Porras admitted to patting down § 87(2)(b) and the unidentified woman and said he did so because he smelled marijuana on § 87(2)(b) and inside § 87(2)(b)'s vehicle. § 87(2)(b) however, denied that his vehicle smelled of marijuana, and even though he admitted that § 87(2)(b) might have smoked marijuana that day, § 87(2)(b) denied that § 87(2)(b) and the unidentified woman smelled of marijuana. § 87(2)(g)

**Allegation H: Abuse of Authority: At Avenue C and East 13<sup>th</sup> Street in Manhattan, Police Officer David Porras searched the vehicle in which § 87(2)(b) Unknown, and § 87(2)(b) were occupants.**

§ 87(2)(b) said PO Porras entered his vehicle and searched underneath his front passenger seats. § 87(2)(b) told PO Williamson that the officers had no justification for stopping him and searching his vehicle. PO Williamson said § 87(2)(b) appeared nervous and that his vehicle was being searched for weapons. PO Porras, § 87(2)(b) and the unidentified woman approached the rear of § 87(2)(b)'s vehicle and said § 87(2)(b)'s vehicle was searched because it smelled of marijuana, which § 87(2)(b) denied. No marijuana or contraband was recovered from § 87(2)(b)'s vehicle. PO Porras returned § 87(2)(b)'s license and vehicle documents to § 87(2)(b) and said they were free to leave.

As discussed earlier, the investigation was unable to identify the other victims of this complaint, thus no statements were obtained from them.

PO Porras and PO Williamson both said PO Porras entered the front passenger's side of § 87(2)(b)'s vehicle and searched underneath the front seats and side consoles for marijuana and other contraband. The search of § 87(2)(b)'s vehicle lasted approximately one minute and yielded negative results. PO Porras approached the rear of § 87(2)(b)'s vehicle and admonished § 87(2)(b) to fix his broken taillight. PO Porras returned § 87(2)(b)'s license and vehicle documents to him and said he and his passengers were free to leave.

§ 87(2)(g)

**Allegation I: § 87(4-b), § 87(2)(g)**

§ 87(2)(g)

**Allegation J: § 87(4-b), § 87(2)(g)**

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(2)(g)

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**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 11).

